

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CASPER SLEEP, INC.

Plaintiff,

v.

DEREK HALES and
HALESPOLIS LLC,

Defendants.

Case No. 1:16-cv-03223-CM

ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, and upon all of the prior pleadings and proceedings herein, defendants Derek Hales and Halespolis LLC (collectively, the "Defendants"), by and through their attorneys, Kelley Drye & Warren LLP, will move this Court, at Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York on a day specified by this Court, pursuant to Federal Rules of Civil Procedure 59(e) and Local Rule 6.3, for reconsideration of the Court's Opinion and Order of October 20, 2016 (Dkt. 28).

MEMO ENDORSED

Dated: October 26, 2016
New York, New York

By:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/27/16

/s/ Jeffrey S. Jacobson
KELLEY DRYE & WARREN LLP
Jeffrey S. Jacobson
101 Park Avenue
New York, NY 10178
(212) 808-7800 phone
(212) 808-7987 fax

Counsel for Derek Hales and
Halesopolis LLP

10/27/2016
The motion is recommended to be DENIED. I have no doubt that the Defendants can make a very interesting and potentially meritorious summary judgment motion at an appropriate time. But the arguments made in this motion are premature and inappropriate and 12(b)(6) motion.